

July 25, 2005

TO: Counsel In Larry Davis v. Capital One Services, LLC  
Civil Action No. 3:10cv289

FROM: Robert E. Payne, United States District Judge

In 1987, while a member of McGuire, Woods, Battle & Boothe, now McGuire Woods, (the "Law Firm"), I, like all other equity partners then in the Law Firm, became a limited partner in Ninth & Cary Associates Limited Partnership ("NCA"), a Virginia limited partnership. NCA is a limited partner in One James Center Associates, a Virginia limited partnership that owns the office building in Richmond, Virginia known as "One James Center" and the parking deck located across 10th Street therefrom. Other partners in NCA are present and former equity partners in the Law Firm (or their estates) who were equity partners in the Law Firm in 1987 when NCA was formed.

I never had any participation in the management of NCA. I am entitled, however, to a share of the proceeds receivable by NCA from One James Center Associates upon the occurrence of certain transactions such as refinancing or sale of the real estate owned by One James Center Associates. In 2004, I received passive income from NCA of \$6,329.00 and net income of \$11.00. My share (1.337% in 2005) is, in large part, determined by prior years' service at the Law Firm as an equity partner. That share is expected to decrease over time because of my withdrawal from the Law Firm.

Because McGuire Woods is counsel to a party in this action, I believe that you are entitled to the foregoing information even though I do not consider that it presents the basis for recusal or disqualification in this action. Any counsel who views the matter otherwise may file an appropriate motion within twenty (20) days of the date of this letter.

/amh

\* Mailed to all counsel of record  
on May 28, 2010

/s/ 

Deputy Clerk

\* Sent by Notice of Electronic Filing